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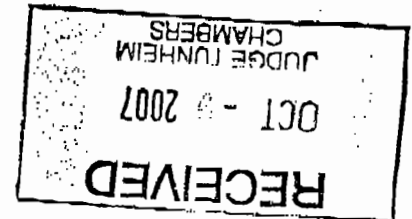
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October 1, 2007

Honorable John R. Tunheim  
Chair, Committee on Court Administration  
and Court Management  
United States District Court  
13 E United States Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415



Re: Electronic Access to Plea Agreements

To the Committee on Court Administration and Case Management:

As a Federal Defender organization, our office is highly sensitive to the concerns expressed by the Department of Justice that electronic access to plea agreements may disclose the identity of cooperators. However, we are also equally sensitive to the need for full public disclosure of information in court records, particularly as such information is often necessary to adequately represent our clients. The identity of cooperators and the terms of their agreements to cooperate are essential pieces of information in preparing to defend a criminal case.

Generally, we are in agreement with the Committee's observations regarding the shortcomings of the Department of Justice's proposal to restrict access to all plea agreements in all cases. Establishing an electronic filing system with broad public access has made filings in criminal cases more transparent. To people familiar with federal criminal proceedings, there are other ways than reviewing a plea agreement to determine if an individual has cooperated with the government from the general context of a case. Specifically,

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